

ENROLLED ORDINANCE 159-54

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING
ORDINANCE BY AMENDING EXHIBIT "A", OF THE TOWN OF WAUKESHA
ZONING CODE, CERTAIN LANDS LOCATED IN THE SW ¼ OF THE SW ¼
OF SECTION 10, T6N, R19E, TOWN OF WAUKESHA (ZT-1237D)

WHEREAS the subject matter of this Ordinance having been approved by the Waukesha Town Board on August 12, 2004, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Waukesha Zoning Ordinance, adopted by the Town of Waukesha on June 24, 1979, is hereby amended to revise the previous conditional rezoning as enacted in Enrolled Ordinance No. 153-129, Paragraphs "a" and "f" of Exhibit A, Exhibit A-3, for certain lands located in the SW ¼ of the SW ¼ of Section 10, T6N, R19E, Town of Waukesha and more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (ZT-1237D) subject to the following:

- a. Development/redevelopment of the site for commercial uses shall only be allowed on the basis of an integrated site design, defined as a combination or uniting, of individual parcels and buildings to produce a singular project development. Approval of the development by the Town of Waukesha Planning Commission and the Waukesha County Park and Planning Commission will be required, except after the initial development/redevelopment of the site, additions less than 25% of the initial buildings, remodeling, to accommodate new or different uses but not redecorating, accessory buildings less than 800 square feet and Plan of Operation for new or changed uses need only Town Planning Commission approval and administrative approval by the Waukesha County Department of Parks and Land Use in order to maintain conformance with intent and purpose of these conditions of rezoning for this site. Individual lots as they may presently exist shall not be permitted. Individually owned lots/site shall be a minimum of one acre to be set forth on a Certified Survey Map duly approved and recorded. Existing residences and outbuildings must be removed at the time of commercial redevelopment of this site or, if utilized, shall meet all contemporary architectural, commercial or building codes of the Town and the State, as indicated in Exhibit "1", and be integrated into the overall site design.
- f. Building coverage on the parcel shall not exceed 50% of the parcel size and 25% of the site shall be retained in green space with pervious surfaces such as grass, landscape area, or other appropriate vegetative covers. All food/grocery stores shall have a maximum of 45,000 square feet of store area.

A store is defined as an enclosed area separated by an occupancy separation wall as defined in ILHR 50-64 with a separate entrance.

Store size shall be measured by the total floor area bounded by the exterior walls of the store measured to the outside wall edge.

The maximum number of free-standing buildings shall be four.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Waukesha.

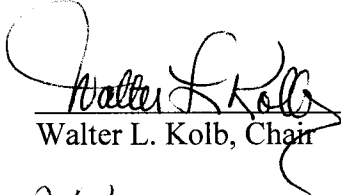
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

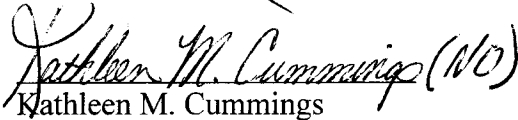
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

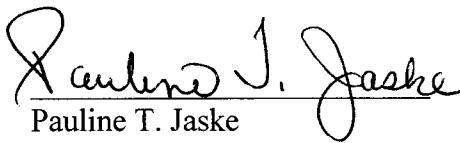
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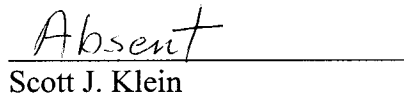
Presented by:

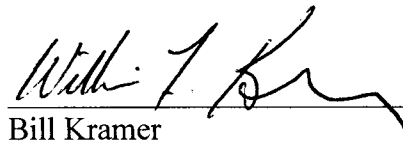
Land Use, Parks, and Environment Committee

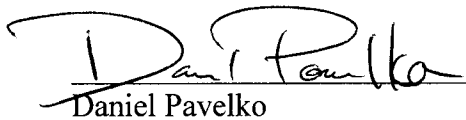

Walter L. Kolb, Chair

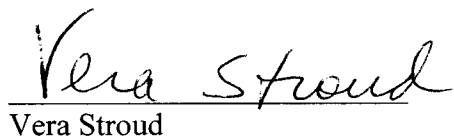

Kathleen M. Cummings


Pauline T. Jaske

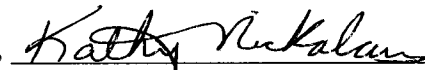

Absent
Scott J. Klein


Bill Kramer


Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 10-29-04, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, is hereby:

Approved: ☒

Vetoed: ☐

Date: 11-1-04, 
Daniel M. Finley, County Executive

STATE OF WISCONSIN : TOWN OF WAUKESHA : WAUKESHA COUNTY

**ORDINANCE AMENDING EXHIBIT "A"
OF THE TOWN ZONING CODE OF THE TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN,
DOES ORDAIN AS FOLLOWS:

SECTION 1: Exhibit "A" of the Rezoning Ordinance dated December 21, 1998,
first amended on April 20, 2002, and subsequently amended on April 22, 2004, as it relates to the
property located at the northwest corner of Sunset Drive and Prairie Avenue, of the Town Zoning
Code of the Town of Waukesha is hereby amended by adding thereto the following provision:

- a. Development/Redevelopment of the site for commercial uses shall only be
allowed on the basis of an integrated site design, defined as a combination,
or uniting, of individual parcels and buildings to produce a singular project
development. Approval of the development by the Town of Waukesha
Planning Commission and the Waukesha County Park and Planning
Commission will be required, except after the initial
development/redevelopment of the site, additions less than 25% of the
initial buildings, remodeling, to accommodate new or different uses, but
not redecorating, accessory buildings less than 800 square feet, and plan of
operation for new or changed uses need only Town Planning Commission
approval and administrative approval by the Waukesha County
Department of Parks and Land Use in order to maintain conformance with
intent and purpose of these conditions of rezoning for this site. Individual

159-0-060

6.

lots as they may presently exist shall not be permitted. Individually owned lots/sites shall be a minimum of one acre to be set forth on a certified survey map duly approved and recorded. Existing residences and outbuildings must be removed at the time of commercial redevelopment of this site or, if utilized, shall meet all contemporary architectural, commercial, or building codes of the Town and the State, as indicated in Exhibit "I", and be integrated into the overall site design.

- f. Building coverage on the parcel shall not exceed 50% of the parcel size and 25% of the site shall be retained in green space with pervious surfaces such as grass, landscape area, or other appropriate vegetative covers. All food/grocery stores shall have a maximum of 45,000 square feet of store area.

A store is defined as an enclosed area separated by an occupancy separation wall as defined in ILHR 50-64 with a separate entrance.

Store size shall be measured by the total floor area bounded by the exterior walls of the store measured to the outside wall edge.

The maximum number of free-standing buildings shall be four.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha,
Waukesha County, Wisconsin this 12th day of August, 2004.

TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN

BY: [Signature]
RODNEY T. STILWELL, Chairman

BY: [Signature]
ROBERT J. TALLINGER, Supervisor

BY: [Signature]
STEPHEN SMART, Supervisor

ATTEST:

BY: [Signature]
MICHAELNE R. KNOEBEL, Clerk

F:\USERS\jwh\clients\Waukesha, Town\ORDINANCE\ORD-111, A-Zoning-D-3 General Business District-Sunset Dr. & Prairie Ave.wpd

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/26/04

(ORD) NUMBER-1590060

1 K. HERRO.....AYE
 2 D. STAMSTA.....AYE
 3 J. MARCHESE.....AYE
 4 J. JESKEWITZ.....AYE
 5 P. HAUKOHL.....AYE
 6 K. HARENDA.....AYE
 7 J. MORRIS.....AYE
 8 D. SWAN.....AYE
 9 J. BEHREND.....AYE
 10 W. MITCHELL.....AYE
 11 W. KOLB.....AYE
 12 J. TORTOMASI.....AYE
 13 K. CUMMINGS.....NAY
 14 D. PAULSON.....AYE
 15 T. BULLERMANN.....
 16 V. STROUD.....AYE
 17 D. PAVELKO.....AYE
 18 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 H. CARLSON.....AYE
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 J. GRIFFIN.....AYE
 14 A. KALLIN.....AYE
 16 R. MANKE.....AYE
 18 B. MORRIS.....AYE
 20 M. KIPP.....
 22 G. BRUCE.....AYE
 24 B. KRAMER.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....
 32 P. GUNDRUM.....
 34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-31